APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/058,496	04/10/1998	JEFFREY H. MICHAUD	07844/273001	7535

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/058,496	MICHAUD ET AL.
	Examiner	**Art Unit**
	William L. Bashore	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 October 2003_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9, 12-13, 15-16, 20-22, 24-25, 28-46_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9,12,13,15,16,20-22,24,25,28-36,38-43,45 and 46_ is/are rejected.

7)☒ Claim(s) _37, 44_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications: Request for Reconsideration (hereinafter the Request),

filed 10/23/2003, to the original application filed 4/10/1998. IDS filed 7/19/1999, and 11/30/2000. No priority or

provisional filing date is claimed.

2.   Claims 37, 44 remain objected to by the examiner.

3.   Claims 1-5, 7-9, 12-13, 20-22, 29-30, 35-36, 42-43, 45-6 remain rejected under 35 U.S.C. 103(a) as

being unpatentable over Mapedit and White.

4.   Claims 15-16, 24-25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit,

White, and Nielsen.

5.   Claims 6, 28, 31-34, 38-41 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit,

White, and Habermehl.

6.   Claims 1-9, 12-13, 15-16, 20-22, 24-25, 28-46 are pending. Claims 1 and 5 are independent claims.

Allowable Subject Matter

7.   **Claims 37, 44 remain objected to** as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

claims.

Claim Rejections - 35 USC § 103

8.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

9.   Claims 1-5, 7-9, 12-13, 20-22, 29-30, 35-36, 42-43, 45-46 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Mapedit Imagemap Editing Software (hereinafter Mapedit), Version 2.3 for

Windows 3.1, 1997 by Boutell.Com, Inc. URL: http://www.boutell.com/mapedit, pp.1-19, in view of White

et al. (hereinafter White), U.S. Patent No. 6,034,689 issued March 2000.

In regard to independent claim 1, Mapedit teaches user selection of various regions, as well as an

image (artwork) containing non-transparent, as well as transparent regions within an image (Mapedit Figures

17, 18). Mapedit also teaches image mapping of a selected file (Mapedit Figure 9 paragraph 1,2). Mapedit does

not specifically teach a graphic file containing layers, as claimed. However, Mapedit teaches the saving of

edited overlapping (layered) image regions, providing the claimed equivalent of a layered graphics file (Mapedit

Figures 17-19; compare with claim 1 *"A method comprising: receiving.....a layer in an electronic artwork*

having a plurality of layers", and *"in response to the input selecting a layer, identifying one or more regions in*

the selected layer as non-transparent regions in a transparent frame"). It would have been obvious to one of

ordinary skill in the art at the time of the invention to interpret the above teachings as inputting image-mapped

(layered) graphics files, providing Mapedit the benefit of reopening and editing such files.

Mapedit teaches portioned areas of a graphic file, with a specific URL assigned to each portion so as to

activate a URL when an area is selected. Mapedit also teaches a non-transparent region defining a hot spot

region, as well as user selection of a region, as well as an image containing non-transparent, as well as

transparent regions within an image (Mapedit Figures 4, 5, 10, 17, 18; compare with claim 1 *"defining an area*

in the selected layer.....more non-transparent regions in the selected layer;" and *"assigning an action to the*

area, the action defining a function that is to be activated when the area is selected.").

Mapedit does not specifically teach defining an area by automatically determining a perimeter

boundary. However, White teaches automatic rescaling of an image map area subsequent to resizing of a Web

page to fit different display areas (White column 15 lines 24-37; compare with claim 1 *"defining an area in the*

selected area based on a perimeter boundary"). It would have been obvious to one of ordinary skill in the art at

the time of the invention to apply the method of White to the method of Mapedit, because of White's taught

advantage of scaling, providing a way for Mapedit to create imagemaps for different presentation mediums by

automatically defining image map boundaries subsequent to changes in size of an imagemap.

Mapedit teaches an image map, whereby a selected region (area) is selected, resulting in an action

mapped from said region corresponding to a portion of an image (Mapedit Figure 17; compare with claim 1

"associating the area and the action with the selected layer as a property of the selected layer in the electronic

artwork").

In regard to dependent claim 2, Mapedit teaches a method of assigning a URL to a selected region

(Mapedit Figure 5).

In regard to dependent claim 3, Mapedit teaches compositing of images (Mapedit Figure 17; compare

with claim 3 *"compositing the layers of the artwork"*).

In addition, Mapedit teaches a method of converting a hotspot area along with associated URLs to an

HTML file format (Mapedit Figure 16; compare with claim 3 *"converting the area and the action to a target*

output format.").

In regard to dependent claim 4, Mapedit teaches a method of converting a hotspot area along with

associated URLs to an HTML file format (Mapedit Figure 16).

In regard to independent claim 5, claim 5 reflects the computer program product comprising

computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along

the same rationale.

In regard to dependent claims 7 and 8, claims 7 and 8 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 3 and 4, respectively, and are rejected along the same rationale.

In regard to dependent claim 9, Mapedit teaches a method whereby a mapped image is presented (Mapedit Figure 17). Mapedit does not specifically teach the saving of a composited image as an image file. However, since Mapedit teaches the presentation and saving of an image with different mapped layers, with both said image and said layers reproducible within the Mapedit editor environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to save said layers as an image file, because of Mapedit's taught advantage of the presentation and saving of layers with images.

In addition, Mapedit teaches a method of saving an HTML file including an associated graphics file and a hotspot with associated URLs (Mapedit Figures 2, 16).

In regard to dependent claim 12, Mapedit teaches a method whereby areas of edited graphic file are portioned with a specific URL assigned to each bounded portion so as to activate a URL when an area is selected, said area of bounded portion displayed in reverse color when activated (Mapedit Figures 4, 5, 10). Mapedit does not specifically teach a method of conforming the area automatically to content of the selected layer subsequent to editing of said layer. However, White teaches the rescaling of an image map area subsequent to the resizing of a web page to fit different display areas (White column 15 lines 24-37; compare with claim 12 *"conforming the area automatically to content of the selected layer"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White's taught advantage of scaling, providing a way for preserving an image map subsequent to changes in size of the the edited imagemap method as taught by Mapedit.

In regard to dependent claim 13, Mapedit teaches the calculation of dynamic content for a selected layer before the area is calculated, since it is known in the art that currently edited information is considered

dynamic information until saved, Mapedit's calculation and formulation of hotspots is based upon dynamic

content, prior to saving.

In regard to dependent claims 20, 21, 22, claims 20, 21, 22 reflect the computer program product

comprising computer readable instructions used for implementing the methods as claimed in claims 11, 12, 13,

respectively, and are rejected along the same rationale.

In regard to dependent claim 29, Mapedit teaches an artwork graphic as an image file, as well as an

HTML file with image map and URL (Mapedit Figure 2).

In regard to dependent claim 30, Mapedit teaches an action as a URL (Mapedit Figure 5).

In regard to dependent claim 35, Mapedit teaches determination of a perimeter of a non-transparent

region, the area of which is assigned a hyperlink (Mapedit page 5).

In regard to dependent claim 36, Mapedit teaches creation of circular region 1, said region remaining

unassigned to a hyperlink, with another circular region 2 created and defined as a superset of region 1, with said

region 2 assigned an address of the USPTO home page (Mapedit pages 20-21). As the imagemap becomes

active, the unassigned circular region 1 becomes a "hole" (an unassigned region) within the perimeter of the

USPTO circular region 2 (Mapedit pages 22-23), yet is still part of the area of the overall circular region 2.

In regard to dependent claims 42, 43, claims 42, 43 reflect the computer program product comprising

computer readable instructions used for implementing the methods as claimed in claims 35, 36, respectively, and

are rejected along the same rationale.

In regard to dependent claims 45-46, Mapedit does not specifically teach defining an area by automatically determining a perimeter boundary. However, White teaches automatic rescaling of an image map area subsequent to resizing of a Web page to fit different display areas (White column 15 lines 24-37; compare with claim 1 *"defining an area in the selected area based on a perimeter boundary"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White's taught advantage of scaling, providing a way for Mapedit to create imagemaps for different presentation mediums by automatically defining image map boundaries subsequent to changes in size of an imagemap.

10.   **Claims 15-16, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and White as applied to claims 1 and 5 above, and further in view of Nielsen, U.S. Patent No. 5,991,781 issued November 1999.**

In regard to dependent claim 15, claim 15 incorporates substantially significant subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Mapedit teaches multiple hot spot regions within an image (Mapedit Figure 5; compare with claim 15 *"the selected layer has two or more non-contiguous"*, and *"...in a transparent frame"*). Mapedit does not specifically teach the inclusion of two or more non-transparent regions. However, Nielsen teaches at least two non-transparent regions (Nielsen Figures 1b, 11; compare with claim 15 *"...non-transparent..."*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Nielsen to the method of Mapedit, because of Nielsen's taught advantage of non-transparent images, providing an alternate way to show regions within an image.

In addition, Mapedit teaches multiple hot spot regions within an image, said regions can encompass the entire image (Mapedit Figure 5; compare with claim 15 *"the area defined....regions in combination"*).

In regard to dependent claim 16, claim 16 incorporates substantially significant subject matter as claimed in claim 15, and in further view of the following, is rejected along the same rationale.

Mapedit teaches a method whereby multiple image maps can be defined in different areas of an image (Mapedit Figure 4; compare with claim 16 line 2, *"generating multiple image maps"*).

In regard to dependent claims 24-25, claims 24-25 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 15-16, respectively, and are rejected along the same rationale.

11.   **Claims 6, 28, 31-34, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and White as applied to claim 1 above, and further in view of Habermehl, U.S. Patent No. 5,956,701 issued September 1999.**

In regard to dependent claim 6, Mapedit teaches a method of creating a polygon-shaped area on a graphics file by creating boundaries via a mouse, said boundaries created until an enclosed polygon is created, said area within said enclosed polygon reverses color when subsequently activated via said mouse (Mapedit Figure 5, 10, 12). Mapedit does not specifically teach calculating hot spot areas by utilizing perimeter boundaries. However, Habermehl teaches defining hot spot areas taking into account the boundaries of an area, said defining accomplished via neural net (Habermehl column 3 lines 35-40, Figures 3, 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Habermehl to Mapedit, because of Habermehl's taught advantage of calculating areas, providing a way for defining portions of an image using fewer inputs and less redundancy to Mapedit (Habermehl column 2 lines 59-61).

In regard to dependent claim 28, claim 28 reflects the method comprising computer readable instructions used for implementing the computer program as claimed in claim 6, and are rejected along the same rationale.

In regard to dependent claims 31-34, Mapedit teaches user selection of a shape (i.e. circle, rectangle, polygon) Mapedit page 8; compare with claims 31-34).

In regard to dependent claims 38-41, claims 38-41 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 31-34, respectively, and are rejected along the same rationale.

Response to Arguments

12.   Applicant's arguments filed 10/23/2003 have been fully and carefully considered but they are not persuasive.

Applicant agues at top of page 3 of the Request that once Mapedit's image is saved in GIF, JPEG, or PNG format, any such original layer information is lost. The examiner respectfully notes that Mapedit's imagemap creation must preserve each polygon's shape as applied to a graphics file, therefore preserving imagemap characteristics when enabled in a Web page. Page 12 of the Mapedit reference further reinforces this point, in addition to teaching overlapping hotspot areas.

Applicant further argues on page 3 of the Request that the Examiner submits no support that Mapedit's imagemap teaches an "electronic artwork having a plurality of layers". It is respectfully submitted that the term "artwork" is subjective and subject to reinterpretation, etc. The polygons created by Mapedit as applied and associated with selected images can be reasonably interpreted within the scope of the art as an electronic artwork with (possible) overlapping layers (see Mapedit pages 3, 15).

Applicant argues on page 4 of the Request that Mapedit and White do not teach the limiations of representative claim 1. It is respectfully submitted that (as instantly claimed), Mapedit teaches a non-transparent

region defining a hot spot region, as well as user selection of a region, as well as an image containing non-transparent/transparent regions within an image (Mapedit Figures 4, 5, 10, 17, 18). White teaches automatic rescaling of an image map area subsequent to resizing of a Web page to fit different display areas (White column 15 lines 24-37). Rescaling an image (i.e. changing dimensions) takes into account the physical shape of an area, as ultimately defined by its perimeter boundary.

Applicant argues on page 5 of the Request that the cited references do not teach non-contiguous and non-transparent regions in combination (claims 15-16, 24-25). The examiner respectfully notes that Mapedit is used to teach multiple hot spot regions (non-contiguous regions associated) within an image (Mapedit Figure 5). Nielsen teaches at least two non-transparent regions (Nielsen Figures 1b, 11), and is applied in combination with Mapedit's teaching to teach the combination as instantly claimed.

Applicant argues on page 6 of the Request that the cited references do not teach automatically fitting a shape to a perimeter boundary. It is respectfully noted that Mapedit does not specifically teach calculating hot spot areas by utilizing perimeter boundaries. However, Habermehl teaches defining hot spot areas taking into account the boundaries of an area, said defining accomplished via neural net, said teaching applied to Mapedit.

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to William Bashore whose telephone number is **(703) 308-5807**. The examiner can

normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Joseph Feild, can be reached on **(703) 305-9792**.

Any inquiry of a general nature or relating to the status of this application should be directed to the

Group receptionist whose telephone number is **(703) 305-3900**.

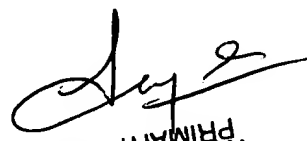15.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703-872-9306) (for formal/after-final communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
Patent Examiner, AU 2176
January 7, 2004

SANJIV SHAH
PRIMARY EXAMINER